

HOUSE BILL 175  
By Newton

AN ACT to amend Tennessee Code Annotated, Title 16  
and Title 17, relative to the judiciary.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 16-3-101, is amended by deleting subsection (b) and by substituting instead the following:

(b) Two (2) judges of the supreme court shall be popularly elected at large by the qualified voters of the state at the regular judicial election held every eight (8) years; one (1) judge of the supreme court shall be popularly elected at large by the qualified voters of the eastern grand division of the state at the regular judicial election held every eight (8) years; one (1) judge of the supreme court shall be popularly elected at large by the qualified voters of the middle grand division of the state at the regular judicial election held every eight (8) years; one (1) judge of the supreme court shall be popularly elected at large by the qualified voters of the western grand division of the state at the regular judicial election held every eight (8) years.

SECTION 2. Tennessee Code Annotated, Section 16-4-102, is amended by deleting the section in its entirety and by substituting instead the following:

The court of appeals shall be composed of twelve (12) judges. Four (4) judges shall be popularly elected at large in each grand division of the state by the qualified voters of the grand division at the regular judicial election held every eight (8) years. No more than four (4) judges shall reside in any grand division of the state. Each judge shall be not less than thirty (30) years of age, shall have been a citizen and resident of the state for at least five (5) years before election, and shall be duly licensed to practice law in the state.

SECTION 3. Tennessee Code Annotated, Section 16-5-102, is amended by deleting the section in its entirety and by substituting instead of following:

The court of criminal appeals shall be composed of twelve (12) judges. Four (4) judges shall be popularly elected at large in each grand division of the state by the qualified voters of the grand division at the regular judicial election held every eight (8) years. No more than four (4) judges shall reside in any grand division of the state. Each judge shall be not less than thirty (30) years of age, shall have been a citizen and resident of the state for at least five (5) years before election, and shall be duly licensed to practice law in the state.

SECTION 4. Tennessee Code Annotated, Section 16-5-103, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The judges of the court of criminal appeals shall be elected by the qualified voters for a full term of eight (8) years.

(b) Their oath of office shall be filed and entered on the minutes of the court in the particular grand division from which the judge has been elected. The oath shall likewise be filed and entered on the records in the office of the secretary of state at Nashville.

SECTION 5. Tennessee Code Annotated, Section 17-1-103, is amended by deleting the section in its entirety and by substituting instead the following:

Justices of the supreme court shall be popularly elected in compliance with the requirements of § 16-3-101. Judges of the court of appeals shall be popularly elected in compliance with the requirements of § 16-4-102. Judges of the court of criminal appeals shall be popularly elected in compliance with the requirements of §§ 16-5-102 and 16-5-103. Chancellors, circuit judges, and judges of special courts shall be popularly elected by the qualified voters of the respective judicial districts, and special judicial districts.

SECTION 6. Tennessee Code Annotated, Title 17, Chapter 4, is amended by deleting Parts 1 and 2.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect January 1, 2006, and shall apply to judicial elections occurring on or after the first Thursday in August, 2006.